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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,218	09/12/2003	Harry Bims	1875.7300001	7178

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EXAMINER	
CHURNET, DARGAYE H	

ART UNIT	PAPER NUMBER
2616	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/661,218	BIMS ET AL.	
	Examiner	Art Unit	
	Dargaye H. Churnet	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-40* is/are pending in the application.

4a) Of the above claim(s) *11-25 and 31-40* is/are withdrawn from consideration.

5)☒ Claim(s) *9 and 10* is/are allowed.

6)☒ Claim(s) *1,2,4,5,7,26 and 28-30* is/are rejected.

7)☒ Claim(s) *3, 6, 8, 27* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *12 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/10/03*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Detailed Action

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 26 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ekstrom et al. (cited 5,968,126).

For claim 26, Ekstrom et al. disclose a method, comprising: determining at a repeater that a connection between the repeater and a switch is down, based on at least one of a heartbeat, beacon, and/or data messages received from the switch (see col. 8, lines 52-60, wherein a switch sends a message to alert the server that a connection is down); and in response to the determination, performing a reset process within the repeater that enable the repeater reestablish a new connection with the switch (see col. 8, lines 63-65, wherein the server reestablishes connection with the client).

For claim 28, Ekstrom et al. disclose the reset process comprises: listening at the repeater all messages broadcasted over a network (see col. 4, lines 45-48, wherein the client broadcasts a message to connect with the server); identifying at least one message that is associated with the switch, the message associated with the switch

including a VLAN ID identifying the switch; and establishing a connection with the switch using the VLAN ID (see col. 9, lines 13-16, wherein the switch fabric appends a VLAN ID to the message broadcasted to the server to establish connection between client and server).

2. Claims 29 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Norefors et al. (cited 6,370,380 B1).

For claim 29, Norefors et al. disclose a method comprising: determining, at a switch based on heartbeat messages or other responses received from a first repeater, that a connection between the switch and the first repeater is down (see col. 2, lines 60-64, wherein an access point sends a security token to a mobile terminal when the connection is going to be ended); in response to the determination, determining, after a predetermined period of time, whether there is still at least one mobile station associated with the first repeater; and reassociating the at least one mobile station with a second repeater if there is still at least one mobile station associated with the first repeater (see fig. 2 and col. 2, lines 56-60, wherein a mobile terminal is handed off from a first access point to a second access point).

For claim 30, Norefors et al. disclose reassociating the at least one mobile station comprises performing a token handoff process from the first repeater to the second repeater to allow the second repeater communicate with the mobile station as a primary

repeater (see col. 3, lines 8-11, wherein the first access point transmits the security token to the second access point in the handover process).

3. Claim 7 is rejected under 35 U.S.C. 102(e) as being anticipated by Yuasa et al. (cited 6,085,238).

For claim 7, Yuasa et al. disclose a method comprising: receiving at a repeater messages broadcasted over a network (see col. 34, line 36, wherein all packets are broadcasted); identifying at least one message that is associated with a switch, the message associated with the switch including a VLAN ID identifying the switch (see col. 34, lines 33-37, wherein the VLAN ID of the switch is included in the broadcasted packet); and establishing a connection with the switch using the VLAN ID (see col. 34, lines 59-62, wherein the connection is established).

Claim Rejections - 35 USC § 103

4. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dobbins et al. (cited 5,946,308) in view of Tang et al. (cited 2003/0165140 A1).

For claim 1, Dobbins et al. disclose a method comprising: broadcasting a message at a repeater to one or more members in a network including a switch (see col. 6, lines 26-29, wherein a switch receives a broadcasted packet from an end system, and wherein the end system is interpreted as the repeater); receiving VLAN (virtual local area network) configuration information from the switch in response to the broadcast message; and communicating with the switch using the VLAN configuration information

in subsequent communications (see col. 6, lines 29-33, wherein the switch inserts a VLAN ID to the broadcasted packet to aid in communication between switches and end systems). Dobbins et al. fail to disclose the broadcasted message indicating that the repeater is entering the network. Tang et al. from the same or similar fields of endeavor teach the broadcasted message indicating that the repeater is entering the network (see paragraph [0046], lines 7-10, wherein hello messages are sent for a VLAN domain for devices entering the network). Thus, it would have been obvious to the person of ordinary skill in the art at the time of the invention to incorporate the elements above stated by Tang et al. in the network of Dobbins et al. The method taught by Tang et al. is modified/implemented into the network of Dobbins et al. by transmitting hello messages when entering the network. The motivation for the broadcasted message indicating that the repeater is entering the network is to prepare communications between the repeater and switch. Claim 4 is rejected for similar reasons.

For claim 2, Dobbins et al. disclose the VLAN configuration information includes a VLAN ID (see col. 6, lines 29-33, wherein the switch inserts a VLAN ID to the broadcasted packet to aid in communication between switches and end systems). Claim 5 is rejected for similar reasons.

Allowable Subject Matter

7. Claims 3, 6, 8, 27, and 30 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Claims 9 and 10 are allowable.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. These references include Husak (cited 6,157,647) and Meier et al. (cited 2005/0025160 A1) which both describe VLAN configuration setup.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dargaye H. Churnet whose telephone number is 571-270-1417. The examiner can normally be reached on Monday-Friday from 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau Nguyen can be reached on 571-272-3126. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dargaye Churnet
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